

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
FEB - 6 2009
CLERK, U.S. DISTRICT COURT
By _____ Deputy

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§ NO. 4:08-CV-648-A

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conclusions, and recommendation to which specific objection is made. United States v. Raddatz, 447 U.S. 667, 673-75 (1980).

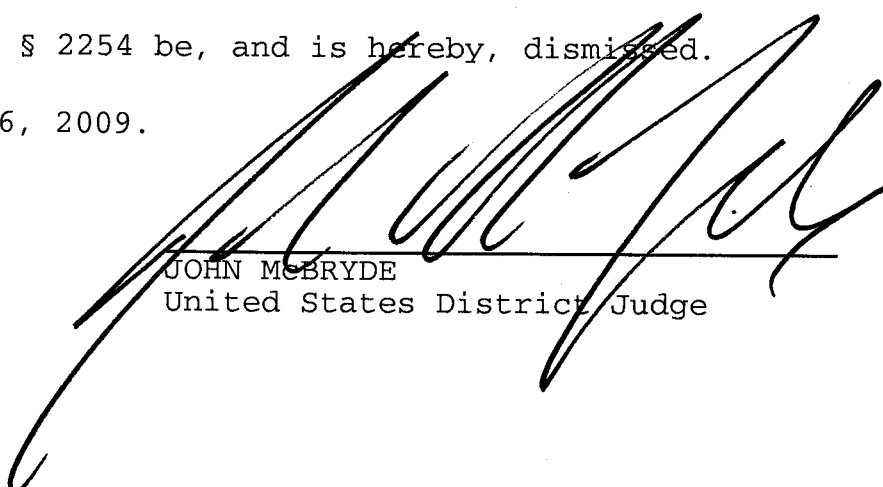
The court need not address any nonspecific, frivolous, or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

In his application, McClain challenges his parole revocation proceeding in 1997 and the calculation of his sentence following this proceeding. The magistrate judge recommended that McClain's application be dismissed as untimely. Having reviewed McClain's objections, the court is satisfied that they are without merit. The magistrate judge correctly concluded that McClain's claims are barred by 28 U.S.C. § 2244(d) and he is not entitled to equitable tolling.

Therefore,

The court accepts the findings, conclusions, and recommendation of the magistrate judge and ORDERS that the application of Danny Ray McLain for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be, and is hereby, dismissed.

SIGNED February 6, 2009.



JOHN MCBRYDE
United States District Judge